

 KANSAS CITY, MISSOURI POLICE DEPARTMENT PROCEDURAL INSTRUCTION	DATE OF ISSUE 03-22-2017	EFFECTIVE DATE 03-22-2017	NO. 17-07
SUBJECT	AMENDS		
Pursuits and Emergency Police Vehicle Operations			
<small>REFERENCE</small> RSMo 70.820, 304.022, 544.157, 544.216 and 568.060 PBM Field Services Bureau Report Replacement - Patrol Bureau Report, PI: Call Prioritization, Police Vehicular Reporting [REDACTED]		<small>RESCINDS</small> PI 12-4	

I. INTRODUCTION

This written directive is to set parameters for the pursuit of motor vehicles, safe emergency operation of police vehicles, and the use of a tire deflation device.

II. GUIDELINES

- A. All members will abide by the city traffic ordinances and state motor vehicle laws and regulations, unless operating Code One.
- *B. All members will use seat belts when operating or riding as a passenger in any department vehicle. Members who fail to utilize the appropriate restraint devices while in department vehicles will be subject to discipline.
- C. Members will ensure that all passengers use seatbelts or other appropriate restraint devices in accordance with city traffic ordinances and state motor vehicle laws and regulations.
- D. Members will not initiate a vehicle pursuit for a serious traffic violation, DUI or stolen auto unless the suspect vehicle or occupant(s) has been involved in a dangerous felony, or where the suspect vehicle or occupant(s) presents a clear and immediate danger to the safety of others.
- *E. Pursuits are prohibited against the traffic flow of a divided highway unless prior approval is obtained from a supervisor/commander and the operator of the vehicle being pursued is fleeing to avoid a felony arrest. Paralleling in the correct direction on the highway is permitted.
- F. The use of stationary and rolling roadblocks is prohibited.
- G. The use of push-bumpers in a pursuit is prohibited absent rare, exceptional circumstances.

III. TERMINOLOGY

- A. **Controlling Supervisor/Commander** - Kansas City, Missouri Police Department supervisor or commander who assumes verbal control of the pursuit.
- *B. **Dangerous Felony** – A felony, that involves an actual or threatened attack that the member has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault on a law enforcement officer, murder, rape, robbery, etc.).

- *C. **Emergency** – A reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest and such officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation (RSMo 70.820).
- D. **Emergency Operation/Code One** – An emergency police vehicle traveling with activated red light(s) and siren. Members will operate Code One on assist-the-officer calls, emergency calls-for-service, while in a vehicle pursuit or in any other situation when, in the member's discretion, an emergency exists and such operation is reasonable and necessary.
- E. **Emergency Police Vehicle** – A police vehicle equipped with a siren and one or more red light(s).
- F. **Momentary Activation** – The brief activation of red lights and/or siren to gain the driver's attention. Members must use both red light(s) and siren if it is necessary to exceed the posted speed limit or violate any other traffic law in order to catch up to a vehicle. Red light(s) and siren activated in an attempt to stop a traffic violator or conduct a car or pedestrian check does not constitute a pursuit.
- G. **Paralleling** – The operation of police vehicles parallel to the pursuit route operating in a code one capacity.
- H. **Pursuit** - An event which occurs when a member operating a police vehicle attempts to stop a vehicle by activating both the red light(s) and siren, and the driver of the pursued vehicle refuses to stop or tries to avoid capture by using high speed driving or other evasive tactics.
- I. **Pursuit Police Vehicle**
 - 1. **Primary Pursuit Vehicle** - A police vehicle that initiates or assumes control of the pursuit and is the vehicle closest to the pursued vehicle.
 - 2. **Secondary Pursuit Vehicle** - A police vehicle that directly follows the primary pursuit vehicle at a safe distance. The member of this vehicle will be immediately available to assume the position of the primary pursuit vehicle and to assist the primary pursuit vehicle when the pursued vehicle stops.
 - 3. **Other Pursuit Vehicle** – Any other police vehicle that becomes involved in a chase, whether attempting to overtake or parallel other vehicles (i.e., police or suspect vehicle).
- J. **Pursuit Rated** – Any vehicle or motorcycle manufactured for the sole purpose of law enforcement or governmental use receiving certification by the Michigan State Police and the Los Angeles County Sheriff's Office as a pursuit rated vehicle. Prior to the pursuit, this vehicle will be equipped with emergency lights and sirens, or horn device, that adhere to federal, state and local safety regulations for pursuit law enforcement vehicles.

- K. **Roadblock** - Any restriction or obstruction utilized or intended for the purpose of preventing free passage of a motor vehicle, in order to effect the apprehension of a pursued vehicle.
- *L. **Significant Passage of Time** – In the context of fresh pursuit, constant visual contact is not required. If a vehicle or person goes momentarily out-of-sight, but immediately comes back into sight, (e.g. going over a hill) the sworn member would not have "lost contact" within the meaning of the statute. However, a significant passage of time could be as little as a minute or two if the pursuing sworn member lost contact and was not in view of the vehicle or person being pursued.
- *M. **Terminate** – Pursuits may be terminated by decision of the pursuing member, by order of a supervisor/commander or when the suspect vehicle stops. The member will deactivate audible and visual emergency warning equipment (emergency lights and sirens), resume a safe speed and comply with all traffic laws.
- N. **Tire Deflation Device** - A manually deployed device containing hollow steel spikes which when struck causes a rapid, controlled deflation of a vehicle tire. The use of a tire deflation device is not considered a roadblock.
- O. **Uncontrolled Intersection** - An intersection where neither direction has any type of traffic control.

IV. TABLE OF ANNEXES

This directive has been organized into annexes for easy reference.

- ANNEX A Police Vehicle Emergency Operation (Other Than Pursuits)
- ANNEX B Police Vehicle Pursuit Procedure
- ANNEX C Police Vehicle Pursuits Involving Other Jurisdictions
- ANNEX D Tire Deflation Device

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2017 .

Alvin Brooks
Board Vice President

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**POLICE VEHICLE EMERGENCY OPERATION
(Other Than Pursuits)**

- *A. During emergency operation, members will drive with **due regard** for the safety of all persons. **Due regard** means consideration must be given to the following:
 - 1. Urgency of the situation
 - 2. Weather and roadway conditions
 - 3. Visibility
 - 4. Volume and speed of other vehicle traffic
 - 5. Ability to control the vehicle at the speed driven
 - *6. Type of area (e.g., school zone, high traffic intersections, residential streets, etc.)
- B. Members will respond Code One as outlined in the current written directive entitled, "Call Prioritization."
- *C. Communications/Dispatch will relay all pertinent information related to the incident over the air when members are responding Code One.
- *D. Members are given the discretion, when responding to an incident, to operate Code One in situations when they are not dispatched as such. Members will notify Communications/Dispatch of Code One operation when time permits and the air is not being held for emergency situations.
- NOTE:** Vehicles not police pursuit rated (e.g. Truck/Van, Minivan, Crossover) may only respond Code One when, in the discretion of the member, it is necessary to preserve life, prevent serious personal injury, or protect property in immediate danger of destruction.
- *E. Members will approach all intersections with caution. Although Missouri law requires motorists to yield to emergency vehicles, members should not assume that motorists see or hear emergency vehicle(s) until they actually yield.
- *F. When a member approaches an intersection, the member may proceed through the intersection only when the member has cleared the intersection and determined it is safe to do so. Clearing the intersection means:
 - 1. **Stopping** or slowing down with **due regard** at intersections where the member has a red light, stop sign, or views that obstruct the line of sight (e.g., buildings or large semi) for cross traffic, **or**

2. Slowing down with **due regard** at all other intersections (i.e., member has a green light or yield sign).
- G. The siren will be used in addition to red lights if compliance cannot be immediately gained, to gain the attention of drivers or pedestrians, when it becomes necessary to exceed the posted speed limit or violate any other traffic law in order to catch up to a vehicle.
- *H. Members are discouraged to utilize alternate siren functions except through intersections, or as needed to gain the attention of drivers or pedestrians.
- I. Police vehicles will yield to ambulances and fire equipment operating as emergency vehicles.
- J. Members should not pass to the right of a vehicle in traffic during Code One Operation unless absolutely necessary, and should anticipate the possibility of a citizen's vehicle moving to the right in front of the police vehicle.
- *K. Members may pass on the shoulders or temporarily enter the opposite traffic lanes (i.e., against the flow of traffic) as a last resort only during rare, exceptional circumstances.
- *L. If advised by a supervisor/commander to terminate Code One Operation, a member will comply immediately.
- M. Police vehicles will be parked so that other emergency vehicles will have access to the scene.

POLICE VEHICLE PURSUIT PROCEDURE

- A. Due to possible risks that may be associated with pursuit driving, all members must recognize and accept that a decision not to pursue may sometimes be the safest and most professional course of action.
- B. Factors of Pursuit
 - 1. Any of the following factors and any other relevant factors will be considered before and during any pursuit to determine if the pursuit should be initiated, continued, or terminated:
 - a. Seriousness of the known violation or suspected crime
 - b. Weather and roadway conditions
 - c. Volume and speed of other vehicular traffic
 - d. Presence of pedestrians, schools or parks
 - e. Speed of pursuit
 - *f. Posted speed limit
 - *g. Type of area (e.g., school zone, high traffic intersections, residential streets, etc.)
 - h. Familiarity of the area by the pursuing member
 - i. Safety of the public in the area of the vehicle pursuit
 - j. Safety of the members in the area of the vehicle pursuit
 - k. Quality of communications between the pursuing members, the dispatcher and the supervisor
 - l. Whether the suspect being pursued is readily identifiable or subject to capture at another time
- C. Initiating or Continuing Pursuit
 - 1. Members will not initiate a vehicle pursuit unless they determine that there is reasonable belief that the suspect vehicle or occupant(s) presents a clear and immediate danger to the safety of others.
 - a. Factors involved in this decision may include the commission of a dangerous felony.
 - b. This determination should be continually evaluated during the pursuit.

2. If the member decides to initiate a pursuit, Code One Operation will be utilized throughout the entire duration of the pursuit.
3. Members will not initiate or continue a pursuit when, in the member's opinion, the danger to the public or member created by the pursuit, exceeds the danger presented by the offender remaining at large.
- *4. The discretionary decision to initiate, continue, or become involved in a pursuit will be based upon factors known to the member at the time the member initiates the pursuit or updates received during the pursuit.
5. A person whose identity is known, who has not been involved in a dangerous felony, and who can be apprehended at a future time generally should not be the subject of a pursuit.
- *6. Member(s) will not become involved in a pursuit, without approval from the controlling supervisor/commander, when an arrestee or any other non-department member is a passenger in the police vehicle.
7. Only a vehicle equipped with both operating red light(s) and siren will engage in a pursuit.
- *8. The following police vehicles should not become involved in pursuits unless there is an immediate threat to the safety or well-being of a person, or notification and approval from the controlling supervisor/commander:
 - a. Unmarked cars,
 - b. Motorcycles,
 - c. Any other vehicle that is not pursuit rated.
9. **[REDACTED]**
10. When a pursuit enters another jurisdiction, the controlling supervisor/commander will assess the situation and decide whether to continue or order the pursuit terminated.
11. Members will keep the public and their personal safety foremost in their minds.
- *12. Members are discouraged from using the spotlight on the suspect vehicle until they have gained the suspect's compliance.

D. Other Pursuit Issues

- *1. When the primary vehicle or secondary vehicle experiences equipment failure involving lights or sirens, radio, brakes, steering, or other essential mechanical equipment, that vehicle will terminate their involvement in the pursuit.
2. Once the police helicopter has the pursued vehicle in sight, the helicopter will begin calling the pursuit. The primary and secondary vehicles will continue Code One Operation, but should defer to the helicopter as the main pursuit vehicle.
3. Arrests made by sworn members in another jurisdiction following a pursuit will be made in accordance with state statute and the current written directive entitled, "Arrest Guidelines/Procedures" for further instruction.

E. Terminating Pursuit

- *1. Terminating a pursuit consists of the decision of the pursuing member or by order of a supervisor/commander or when the suspect vehicle stops. The member will deactivate audible and visual emergency warning equipment (emergency lights and sirens), resume a safe speed and comply with all traffic laws.
2. A pursuit will be terminated when one or more of the following conditions apply:
 - a. In the discretion of the pursuing member(s), the danger to the public or member(s) created by the pursuit exceeds the danger presented by the offender remaining at large.
 - b. Immediate medical assistance is needed by anyone injured as a result of the pursuit and there is not a secondary vehicle to provide assistance.
 - c. A supervisor/commander orders the pursuit terminated.
- *d. The pursuing member(s) loses visual contact with the vehicle being pursued for a significant passage of time. If the pursued vehicle momentarily goes out of visual contact (e.g., going over a hill, a blind curve, etc.) but immediately comes back into visual contact would not mandate termination.
- e. The pursuit fails to meet the criteria outlined in Section C of this Annex.
3. A member will not be criticized or disciplined for terminating a pursuit when, in that member's opinion, the lives or property of others would have been at undue risk if the pursuit had continued.

F. Initiating/Primary Vehicle Member's Responsibilities

1. Activate both the red light(s) and siren immediately while attempting to stop any vehicle that refuses to stop and at any time while remaining behind or following the vehicle until the pursuit is terminated.
2. Notify the Communications Unit/Dispatcher of the pursuit and give the following information in the initial transmission:
 - a. Radio number
 - b. Location, direction, and speed
 - c. Vehicle description
 - d. Occupant information
 - e. Reason for the pursuit
 - f. Any additional pertinent information (e.g., party armed, weather and street conditions and the volume and speed of other vehicular traffic, etc.)
3. Ensure that the in-car camera and audio are both activated upon initiation of pursuit, if available.
4. Attempt to transmit a location, speed, traffic density, and driving demeanor of driver being pursued every two blocks or whenever the pursued vehicle changes direction.
5. Continually evaluate the need to apprehend the suspect(s) against the risk to the public.

G. Secondary Vehicle Member's Responsibilities

1. Activate both the red light(s) and siren.
2. Maintain a safe distance behind the primary vehicle.
3. Assist the primary vehicle during the pursuit and at the point of termination.
4. Do not overtake the primary vehicle unless requested to do so by the operator of the primary vehicle or controlling supervisor/commander.
5. Be prepared to assume the role of the primary vehicle if the primary vehicle relinquishes its position or cannot continue.
6. Take over radio transmissions from the primary vehicle.

7. Immediately cease being involved in the pursuit and provide immediate medical assistance to anyone injured as a result of the pursuit. This responsibility **will not** be delegated to surrounding other vehicles without supervisor/commander approval.
- H. Other Vehicle Member's Responsibilities - Operate Code One when given permission by a supervisor/commander to become involved in, or get ahead of the pursuit for purposes of traffic control, or to deploy a tire deflation device.
- I. Communications/Dispatcher Responsibilities
 1. Immediately upon being notified of a pursuit, the dispatcher will:
 - a. Hold the air.
 - b. Notify all members of the pursuit, obtain the location, direction, and description of the pursued vehicle, occupant description(s), reason for pursuit, and any additional information.
 - c. Relay additional pursuit location and direction only as necessary.
 2. Notify and assign a controlling supervisor/commander.
 3. Designate a secondary vehicle in a pursuit. If the primary or secondary vehicle is unable to continue, then designate another police vehicle to become the secondary vehicle.
 4. Notify all other divisions and/or jurisdictions that are affected by a pursuit as soon as possible.
 5. Notify one of the following:
 - a. The commander/assistant division commander of the patrol division where the pursuit was initiated; or
 - b. The Duty Officer
 6. Attempt to contact the helicopter section to assist in the pursuit.
 7. Notify the primary and secondary vehicles when the helicopter crew has assumed control of the pursuit.
 8. Notify all patrol divisions involved in the pursuit of the tire deflation device(s) deployment locations.

- J. Helicopter Section's Responsibilities
 - 1. Disengage from any non-life-threatening call to assist in the pursuit.
 - 2. Assume responsibility as the main pursuit vehicle once the pursued vehicle is under observation.
 - 3. Advise communications/dispatcher once responsibility of the pursuit has been assumed.
 - 4. Broadcast the direction and location of the pursued vehicle.
 - 5. Terminate following the pursued vehicle if the helicopter's presence substantially escalates the pursuit or the danger to the public.
- K. Controlling Supervisor's/Commander's Responsibilities
 - 1. Obtain information about the pursuit (i.e., location, speed, traffic density, and reason for pursuit).
 - 2. Monitor the progress of the pursuit, evaluate the circumstances known at the time, and make the decision to continue or to order the pursuit terminated.
 - 3. Move in the direction of the pursuit.
 - 4. Respond to the termination point of the pursuit if arrest(s), injuries, death, a property damage has occurred, a tire deflation device successfully deployed, or the suspect vehicle has been recovered.
 - 5. Another supervisor may respond or be dispatched to the termination point of the pursuit and provide the necessary supervision until the controlling supervisor/commander arrives at the scene.
 - 6. Complete a Patrol Bureau Report (PBR) prior to the end of the respective shift. Refer to Patrol Bureau Memorandum entitled, "Field Services Bureau Report Replacement – Patrol Bureau Report," for further information.
 - a. The controlling supervisor/commander will ensure that either the desk sergeant or another supervisor completes the PBR, should the supervisor end their tour of duty prior to completion of the PBR.
 - b. All vehicle pursuits, regardless of the duration, will be entered into the PBR on-line system.
 - c. It may be necessary to review the video to determine the PBR information.
 - d. Only during normal Patrol Bureau Office hours, will the supervisor notify the Patrol Bureau Office by telephone in conjunction with utilizing the PBR system.

POLICE VEHICLE PURSUITS INVOLVING OTHER JURISDICTIONS

- A. Members will not become involved in a pursuit by an outside agency unless authorized by a supervisor/commander.
- B. Before authorizing a member to engage in the pursuit, the supervisor/commander will ascertain the reason for the outside agency's pursuit.
- C. The supervisor/commander who authorizes a member to engage in a pursuit initiated by an outside agency will assume the responsibilities of the controlling supervisor/commander.
- D. If a member engages in a pursuit initiated by an outside agency and the pursuit leaves the city limits of Kansas City, Missouri, the member will terminate his/her involvement in the pursuit unless the controlling supervisor/commander approves continuing.
- *E. Regional Communication Channels
 - 1. The Regional Communication Channels (commonly called Reg Comm) are the primary channels that Law Enforcement Agencies use to conduct critical incidents that involve several jurisdictions, such as pursuits.
 - 2. If a member initiates the pursuit, then any and/or all KCPD zones can be patched together as normal by KCPD Communications Unit.
 - a. KCPD will have control of the patch.
 - b. Members will not switch their radio to the designated Regional Communication channel.
 - 3. If another agency initiates the pursuit, then that agency will control the patch on the designated Regional Communications channel. Members **must** switch to the Regional Communications channel in order to be involved or to monitor.
 - a. KCPD **cannot** be added to a patch that was initiated by another jurisdiction.
 - b. Members **must** switch over to the Regional Communications Channel **prior** to operating Code 1 or becoming otherwise involved in the pursuit.
 - c. Members are reminded that when using any Regional Channel they must identify their agency and radio number (e.g., KCPD R#111), since many other agencies utilize similar radio numbers.
- F. A member who engages in a pursuit initiated by an outside agency will follow all department written directives regarding pursuits.

TIRE DEFLATION DEVICE

A. General Information

1. Tire deflation devices, when struck, cause a rapid controlled deflation of a vehicle's tire(s). These devices are installed in patrol division vehicles.
2. The tire deflation device is made of a water resistant, laminated, paperboard housing which contains three rows of twelve quills. Each quill has a Teflon coated steel spike attached to the tip. When a moving tire rolls over the tire deflation device, the Teflon coated spikes pierce the tire and the hollow quills are inserted, causing a controlled deflation without causing catastrophic failure.
3. Tire deflation devices will be carried in the nylon sleeve and secured in the carrying tray attached to the vehicle's trunk lid when not being utilized.
4. The cord reel will be attached to the nylon sleeve and properly secured to the underside of the vehicle trunk by the velcro holder.
5. Tire deflation devices are designed to be utilized on a hard surface (concrete or asphalt).

[REDACTED]

D. Care and Maintenance

1. Attempt to keep the tire deflation device dry. It is a water-resistant device, but is not waterproof. If deployed in wet weather, but not used, dry off the device before returning it to the proper storage position.
- *2. Extra caution should be used when stacking items in the trunk of a vehicle where the tire deflation device-carrying tray is installed. Ensure items are not stacked too high and does not damage the tire deflation device when the trunk is being closed.

E. Reporting Requirements

1. Information regarding damages incurred due to an impact made with a tire deflation device will be included in any report taken as a result of the pursuit. If a report is not applicable, an Interdepartment Communication, Form 191 P.D., will be completed.
 - a. The reporting member will include the location where the tire deflation device was utilized, any damage caused to vehicles or property, and all circumstances that contributed to the damage.
 - b. If a police department vehicle sustains tire damage as a result of a tire deflation device, a copy of all reports will be forwarded to the Fleet Operations Unit. All other damage to a police vehicle will be reported in accordance with the current written directive entitled, "Police Vehicular Reporting."
- *2. If a person's vehicle sustains tire and/or wheel damage as a result of a tire deflation device, members will notify the Fleet Operations Unit (FOU) Manager or their designee from the scene.
 - a. During non-business hours members will contact the Communications Unit Supervisor to request notification of the Fleet Operations Manager or designee.
 - b. The Release Form Liability Agreement, Form 83 P.D (Form 83 P.D.) will be completed by the person.
 - (1) The person's vehicle may be towed via a department city tow to the department's vendor.
 - (a) If the department's vendor is open, the repair/replacement of the tire and/or wheel damage will be completed as soon as feasible.
 - (b) If the department's vendor is closed, the Fleet Operations Manager or designee will direct where to tow the vehicle for repair/replacement of the tire and/or wheel damage. If the person **will not** wait or a location cannot be found, then advise the person to utilize a preference tow.
 - (2) The original Form 83 P.D. will be forwarded to the OGC in a timely manner. A copy of the form will be provided to the person and a copy will be maintained by FOU.
 - c. Persons declining assistance from FOU personnel at the scene should be advised to contact the Office of General Counsel (OGC).

***F. Stop Stick Pursuit Reporting Form**

1. Members will complete a Stop Stick Pursuit Reporting Form anytime a tire deflation device is damaged and rendered unusable due to deployment during a vehicle pursuit.
2. Members will ensure that the nine-digit serial number of all damaged Stop Sticks is noted on line 16 of the Stop Stick Pursuit Reporting Form. The serial number is located on the bar code strip attached to the Stop Stick.
3. The Stop Stick Pursuit Reporting Form will be forwarded to the Supply Section.
4. The Stop Stick Pursuit Reporting Form is utilized for inventory control and replacement purposes and will not be included as additional pages of any report(s) completed as a result of a pursuit.

***G. Stop Stick Replacement Procedures**

1. The deploying member will respond to the appropriate location with the damaged device(s), and a completed copy of the Stop Stick Pursuit Reporting Form, which has been approved by a supervisor/commander.
2. During normal business hours, members will respond to the Supply Section.
3. During non-business hours, members will respond to Fleet Operations.